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EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/346,063

Applicant(s)

Sieffert et al.

Examiner

Nga B. Nguyen

Art Unit

3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on May 20, 2002.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 2, 4, 5, and 7-10 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 2, 4, 5, and 7-10 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

Art Unit: 3628

## **DETAILED ACTION**

1. This Office Action is the answer to the Election filed on May 20, 2002, which paper has been placed of record in the file.
2. Claims 2, 4, 5, and 7-10 are pending in this application.

### ***Drawings***

3. The drawings are objected to because of the Draftsperson's notice, see form PTO-948 for detail. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al, U.S. Patent No. 5,794,207 in view of Official notice taken by Examiner.

Art Unit: 3628

Regarding to claim 4, Walker discloses a method for facilitating transfer of interests in property assets via a global computer network, the method comprising:

designating a proposed transfer of a first property asset on a network resource residing on the global computer network (column 30, lines 30-40);

offering the proposed transfer on the network resource for access by remote network users (column 18, lines 15-26); and

gathering bids from network users with respect to the proposed transfer, wherein at least some of the bids define a transfer of an interest in a second intellectual property asset in exchange for transfer of the interest in the first intellectual property asset (column 18, line 55-column 19, line 28 and column 30, lines 30-40).

Walker does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Walker’s to include the “intellectual property asset” in the Walker’s auction process, the process of designating, offering the proposed transfer, and gathering bids from network users will work the same in as Walker’s.

Regarding to claim 5, Walker discloses a method for facilitating transfer of interests in property assets via a global computer network, the method comprising:

formulating a proposed transfer of an interest in a property asset based on input submitted by a network user (column 16, lines 12-45);

presenting one or more terms for the proposed transfer (column 16, lines 45-62);

Art Unit: 3628

defining the proposed transfer based at least pert on the terms selected by the user (column 16, line 63-column 17, line ; and posting the proposed transfer on a network resource residing on the global computer network (column 18, lines 15-26).

Walker does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Walker’s to include the “intellectual property asset” in the Walker’s auction process, the process of formulating, presenting, defining and posting the proposed transfer will work the same as in Walker’s.

Regarding to claim 7, Walker discloses a method fro facilitating transfer of property assets via a global computer network, the method comprising:

receiving a request from a first user to post a proposed transfer of a first intellectual property asset on a network resource residing on the global computer network (column 16, lines 12-45);

receiving a request from a second user to post a proposed transfer of a second intellectual property asset on the network resource (column 31, lines 10-column 32, line 32);

posting a proposed package transfer of both the first and second intellectual property assets on the network resource for access by remote network users (column 18, lines 15-26. Note: Many buyers may request the CPOs for airlines tickets, thus all the CPO’s for airline tickets are grouped together and posted in the same category specified for airline tickets); and

Art Unit: 3628

accepting input from network users expressing an interest in the propose package transfer (column 18, line 56-column 19-line 8).

Walker does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Walker’s to include the “intellectual property asset” in the Walker’s auction process, the process of designating, posting, and accepting the proposed transfer will work the same as in Walker’s.

Regarding to claim 8, Walker discloses a method for facilitating transfer of property assets via a global computer network, the method comprising:

designating a proposed transfer of a package of property assets on a first network resource residing on the global computer network ;

posting the proposed transfer on the first network resource for access by remoter network users (column 18, lines 15-26); and

accepting input from network users expressing an interest in the proposed transfer (column 18, line 56-column 19-line 8).

6. Claims 2, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al, U.S. Patent No. 5,835,896 in view of Official notice taken by Examiner.

Regarding to claim 2, Fisher discloses a method for facilitating transfer of property rights via a global computer network, the method comprising:

offering an interest in a property asset vial a network resource residing on the global computer network (column 6, lines 13-30); and

Art Unit: 3628

gathering bids from network users (column 6, lines 30-45).

Fisher does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Fisher’s to include the “intellectual property asset” in the Fisher’s auction process, the process of offering options to purchase and gathering bids from network users will work the same as in Fisher’s.

Moreover, Fisher does not teach automatically donating the property asset to a charitable organization in the event no sufficient bids are gathered within a period of time. However, Fisher does teaches automatically adjusting the auction terms such as reducing the price if no bids is submitted for a particular products (see column 11, lines 49-53). Moreover, Official notice is taken that donating the property asset to a charitable organization is well-known in the art. For example, many sellers donate their products to charity when their product cannot sell within a period of time. Therefore, it would have been obvious to modify Fisher’s to including the feature above for the purpose of donating the property asset to a charitable organization to help the children, poor people, etc...

Regarding to claim 9, Fisher discloses a method for facilitating transfer of property assets via a global computer network, the method comprising:

offering options to purchase an interest in a property asset via a network residing on the global compute network (column 6, lines 13-30); and

accepting requests from network users to purchase the options, thereby trading the options among network users (column 6, lines 30-45).

Art Unit: 3628

Fisher does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Fisher’s to include the “intellectual property asset” in the Fisher’s auction process, the process of offering options to purchase and accepting requests from network users will work the same as in Fisher’s.

Regarding to claim 10, Fisher discloses a method for facilitating transfer of interests property assets via a global computer network, the method comprising:

auctioning the transfer of an interest on a property asset via network resource residing on the global computer network (column 6, lines 13-30);  
gathering bids from network users (column 6, lines 30-45); and  
adjusting terms of the transfer in the event no sufficient bids are gathered within a predetermined period of time (column 11, lines 49-54).

Fisher does not directly teach property asset is “intellectual property asset”, however, official notice taken by examiner that it would have been obvious to modify Fisher’s to include the “intellectual property asset” in the Fisher’s auction process, the process of auctioning the property, gathering bids and adjusting terms will work the same as in Fisher’s.

### ***Conclusion***

7. Claims 2, 4, 5, and 7-10 are rejected.

Art Unit: 3628

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Art Unit: 3628

Nga B. Nguyen  
June 27, 2002



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600